

REMARKS/ARGUMENTS

In response to the Office Action dated May 3, 2004, claims 1, 7 and 13 are amended.

Claims 1-17 are now active in this application. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 1-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Beretta (USPN 5,416,890). The Examiner admits that Beretta does not disclose that the controller performs a calibration of making the color reproduction range of the output device close to the reference range when the decision portion has decided that the image data are out of the reference range. The Examiner, however, contends that Beretta teaches an out-of-range checking procedure (box 600) where the color values are retrieved from the screen coordinates and the XYZ tristimulus values of the color are computed and evaluated to determine if the color edited by the user represents a physically possible color. In the box 606, the XYZ tristimulus values are tested, and if any of the X, Y, or Z values is negative, the color is not physically possible, and the user receives a message of the out-of-range color in box 611 (col. 53, line 44- col. 54, line 25). It would have been obvious to one skilled in the art at the time the invention was made to consider the physically possible color range is the reference range of the color reproduction in the output device since Beretta teaches that if the color value is not physically possible, the color is out-of-range and the controller has to bring the color value back to a physically possible color range or back to in-color range.

The rejections are respectfully traversed.

As described in the “Background of the Invention” and “Summary of the Invention”, the concept of the present invention is the following:

Since a calibration requires a lot of time, it is desirable to execute the calibration only when it is necessary. Additionally, it is necessary to reduce the number of times of automatically executing the calibration and to make full use of the performance of an image output apparatus.

In light of this, “a time when a calibration is performed” is defined as the time when input data is decided to be beyond/out of a reference range. This is because a color reproduction range of an output device usually becomes smaller/diminishes the longer that the output device is used, i.e., it is impossible that the range becomes larger, and a calibration widens the color reproduction range of the output device to an inherent color reproduction range (a reference range thereof).

As noted by the Examiner, Beretta teaches an out-of-range checking procedure (box 600) where the color values are retrieved from the screen coordinates and the XYZ tristimulus values of the color are computed and evaluated to determine if the color edited by the user represents a ***physically possible color***. In the box 606, the XYZ tristimulus values are tested, and if any of the X, Y, or Z values is negative, ***the color is not physically possible***, and the user receives a message of the out-of-range color in box 611. As is clear to any person of ordinary skill in the art, there is no calibration that can be done to display 30 that can enable it to reproduce a color (edited by the user) that it physically cannot possibly reproduce.

Independent claim 1 recites, *inter alia*:

a controller for ***controlling the output device to perform calibration of making the color reproduction range of the output device close to the reference range*** when the decision portion has decided that the image data are out of the reference range... (Emphasis added)

More specifically, the output device is controlled to perform a calibration (of itself) to make its (current) color reproduction range (that has become smaller/diminished) close to the

reference range (the range of reproduction the output device was designed for). There is clearly no disclosure or suggestion in Beretta of performing a calibration of/on the display 30 in order to make its current color reproduction range close to the reproduction range that it was designed for, let alone a disclosure of performing a calibration of/on the display 30 in order to enable it to reproduce a color that it is physically incapable of reproducing/displaying. Similar limitations are in independent claims 7 and 13.

Thus, independent claims 1, 7 and 13, as well as dependent claims 2-6, 8-12 and 14-17 are patentable over Beretta.

At any rate, independent claims 1, 7 and 13 are amended clarify that an actual reproduction range of the output device decreasing from a reference range over time of operation of the output device and that the output device is controlled to perform calibration to increase the color reproduction range of the output device close to the reference range when the decision portion has decided that the image data are out of the reference range. As noted above, there is no disclosure or suggestion in Beretta that actual reproduction range of display 30 decreases from a reference range over time of operation of display 30 or that display 30 is controlled to perform calibration to increase the color reproduction range of display 30 close to the reference range when the decision portion has decided that the image data are out of the reference range. Independent claims 1, 7 and 13 are also amended to delineate that the color reproduction range of the output device is compared to the reference range to perform calibration on the output device.

As the features recited in independent claims 1, 7 and 13, as amended, are not disclose or suggested in Beretta, claims 1-17 are patentable over Beretta and there allowance is respectfully solicited.

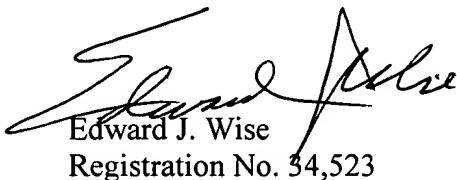
CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY



Edward J. Wise
Registration No. 34,523

600 13th Street, NW
Washington, DC 20005-3096
(202) 756-8000 EJW/dmd
DATE: August 3, 2004
Facsimile: (202) 756-8087